

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

In the Matter of R.K., by and through her )  
mother and next friend, J.K., and W.S., by )  
and through her mother and next friend, M.S., )  
on behalf of those similarly situated, )

Plaintiffs, )

v. )

GOVERNOR BILL LEE, in his official )  
Capacity as GOVERNOR OF TENNESSEE, )  
WILLIAMSON COUNTY BOARD OF )  
EDUCATION, and FRANKLIN SPECIAL )  
SCHOOL DISTRICT, )

Defendants. )

Case No. 3:21-cv-00725

Chief Judge Waverly D. Crenshaw, Jr.  
Magistrate Judge Jeffery S. Frensley

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**WILLIAMSON COUNTY BOARD OF EDUCATION’S MOTION TO DISMISS**

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Comes now Defendant Williamson County Board of Education (“WCBOE”), and pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure moves this Honorable Court to dismiss the claims against it for lack of subject matter jurisdiction.

Plaintiffs’ claims against WCBOE are premised upon WCBOE’s recognition of Executive Order No. 84, which permitted parents to voluntarily opt their children out of WCBOE’s then-existing universal masking requirement. Because Governor Lee has terminated Executive Order No. 84, Plaintiffs’ claims against WCBOE are moot. Accordingly, there is no justiciable case or controversy before the Court, and dismissal pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure is appropriate. In support of this Motion, WCBOE submits an accompanying Memorandum of Law.

For the foregoing reasons and those stated in the Memorandum of Law, WCBOE respectfully requests that the claims against it be dismissed.

Respectfully submitted,

/s/Lisa M. Carson

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of January, 2022, a true and correct copy of the foregoing document was electronically filed utilizing the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and listed below:

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